

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

**NOTICE REGARDING DEFENDANTS' PRODUCTION OF FILES IN ACCORDANCE
WITH THE COURT'S JUNE 25, 2019 ORDER**

1. On June 25, 2019, the Court entered an order directing Defendants to provide discovery to Plaintiffs' counsel consisting of 50 randomly-selected separation-related files for DTPs discharged for non-MSSD reasons between June 1, 2017 and May 30, 2019. ECF No. 107.
2. On July 19, 2019, in accordance with the Court's June 25 Order, Defendants produced 13 separation-related files to Plaintiffs' counsel.
3. Defendants produced 13 files rather than the 50 ordered by the Court because, upon review of the DTP discharges since June 2017, the United States Army Reserve Command (USARC) determined that only 13 MAVNI recruits had been discharged from the U.S. Army, receiving both a United States Army Recruiting Command (USAREC) discharge order and a USARC discharge order.
4. Soldiers enrolled in the DTP are assigned to two different organizations: USAREC and USARC. Each command must issue discharge orders to effect removal from their respective personnel rolls. USAREC issues discharge orders to remove soldiers from the Future Soldier

Training Program and cancel training reservations. Once USAREC issues a discharge order, the soldier remains assigned to a U.S. Army Reserve unit, but is ineligible to attend further training. Once USARC issues a discharge order, the soldier is removed from the rolls of the U.S. Army Reserve and is no longer a member of the U.S. Army on the effective date of the USARC orders. *See* ECF No. 24-1.

5. Soldiers who have not received orders issued by USARC have not been discharged from the U.S. Army. ECF No. 24-1.

6. DTP MAVNI recruits identified during the USARC review of DTP discharges as not having received a USARC discharge order and, thus not discharged from the U.S. Army Reserve will, if processed for separation, be processed according to the applicable procedures outlined in AR 135-178. *See* ECF No. 101.

7. The Army is reviewing the USARC discharges for the 13 DTP MAVNIs to determine accession standard eligibility.

8. While conducting the review of the MAVNI DTP discharges since June 2017, although not required by the Court's July 25 Order, USARC reviewed the discharges and separation-related files for named Plaintiffs Yisheng Dai and Zeyuan Li. This recent review, conducted subsequent to the June 24, 2019 hearing and the Court's June 25, 2019 order, revealed that USARC discharge orders have not been processed or issued for Yisheng Dai and Zeyuan Li.

9. Defendants have conferred with Plaintiffs with regard to these issues. The parties respectfully request a telephonic status conference with the Court, at the Court's earliest convenience.

Dated: July 19, 2019

Respectfully submitted,

JESSIE K. LIU
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